

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF AT&T COMMUNICATIONS OF	)	
THE SOUTH CENTRAL STATES, INC. FOR	)	
CONFIDENTIAL TREATMENT OF	)	CASE NO.
INFORMATION FILED IN SUPPORT OF ITS	)	93-152
SERVICES AGREEMENT WITH THE STATE	)	
OF KENTUCKY LOTTERY CORPORATION	)	

O R D E R

This matter arising upon petition of AT&T Communications of the South Central States, Inc. ("AT&T") filed April 21, 1993 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the terms and conditions of the Services Agreement with the Kentucky Lottery Corporation and the revenue, cost, and unit volume data contained in the Cost Analysis supporting the agreement on the grounds that disclosure of the information is likely to cause AT&T competitive injury, and it appearing to this Commission as follows:

AT&T has requested approval of a special contract with the state of Kentucky Lottery Corporation. By this petition, AT&T seeks to protect as confidential the terms and conditions of the agreement and the revenue, cost, and unit volume data contained in the Cost Analysis filed in support of the request to approve the agreement. AT&T maintains that disclosure of the information is likely to cause it competitive injury.

The information sought to be protected is not known outside of AT&T and is disseminated within AT&T only to those employees who have a legitimate business need to know and act upon the

information. AT&T seeks to preserve and protect the confidentiality of the information through all appropriate means.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That section of the statute exempts 11 categories of information. One category exempted in subparagraph (c) of that section is commercial information confidentially disclosed to the Commission. To qualify for that exemption, it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. To satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

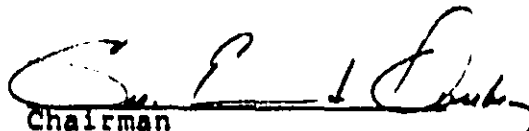
Disclosure of the terms and conditions of the Services Agreement and the revenue, cost, and unit volume data contained in the Cost Analysis would provide AT&T's competitors with valuable market information which is not otherwise available. Competitors of AT&T could use the information to develop competitive responses to AT&T's services by identifying customer-specific service demand and profitability. Therefore, the information has competitive value and should be protected as confidential.

This Commission being otherwise sufficiently advised,


IT IS ORDERED that the terms and conditions of the Services Agreement between AT&T and the Kentucky Lottery Corporation and the revenue, cost, and unit volume data contained in the Cost Analysis filed in support of the request for approval of the agreement, which AT&T has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 25th day of May, 1993.

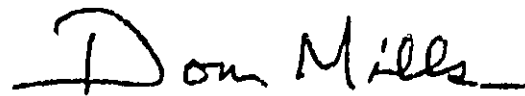
PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director